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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,928	03/15/2004	Edward A. Enyedy	LEE 2 00377	9568
27885	7590	03/13/2006	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			KERN, KEVIN P	
			ART UNIT	PAPER NUMBER
			1725	
DATE MAILED: 03/13/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,928

Applicant(s)

ENYEDY, EDWARD A.

Examiner

Kevin P. Kerns

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☒ Claim(s) 12, 14 and 25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/15/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group Ib (claims 2-25) in the reply filed on January 11, 2006 is acknowledged. However, the applicant has amended former independent claim 26 to be dependent on independent claim 2 of Group Ib. In addition (upon further consideration), independent claim 1 is similar in scope to the combination of claims 2, 13, and 14 in elected Group Ib. As a result, the restriction requirement is withdrawn, and all of claims 1-32 are examined in this Office Action.

Drawings

2. The drawings are objected to because "sheilding" should be spelled as "shielding" in Figure 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or

"New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "22a" (see page 8 of specification). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: on page 2 of the preliminary amendment dated May 24, 2004, on the paragraph starting on page 8, line 26, replace "24b" with "24a" in the 5th line, as no reference number "24b" appears in any of the drawings. Appropriate correction is required.

Claim Objections

5. Claims 12, 14, and 25 are objected to because of the following informalities: in claim 12, 2nd line, insert "a" before "ball". In claim 14, 5th line, insert "a" before "spool". In claim 25, 4th line, insert commas to surround "when open" for clarity. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 2-9, 11, 13, 21, and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Bellefleur (US 4,665,300).

Bellefleur discloses a wire feeder for supplying consumable welding wire to a welding gun in an arc welding unit, in which the wire feeder includes a housing H defining forward, rearward, side, and base walls (2,4,8,10); a wire advancing mechanism F connected to housing H for feeding wire from a spool/reel housing 20 containing a spool 34 of welding electrode wire 38 having a wire spool support

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connected to the rearward wall 10 of the housing H to the welding gun through a wire guide tube 126 in the forward wall 8 of housing H; a storage tray formed with the housing H (on the top surface and within the housing, with the latter defining a tray base wall and end walls); and a removable cover portion (6,16) pivotally connected to the housing H (abstract; column 1, lines 50-68; column 2, lines 1-47 and 66-68; column 3, lines 1-68; column 4, lines 1-31 and 62-68; column 5, lines 1-24; and Figures 1, 2, 4, and 5).

8. Claims 2-9, 11, 13, 21, and 30-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Lee (US 6,057,526).

Lee discloses a wire feed system to automatically feed filler wire to a welding gun, in which the wire feed system 10 includes a housing 22 defining forward, rearward, side, and base walls; a wire advancing mechanism (44,46,48) connected to housing 22 for feeding wire from a spool 34 of welding electrode wire 42 having a wire spool support rod 32 connected to a lower support surface 16 (base) of the housing 22 to the welding gun through a wire guide tube 54 in the forward wall of housing 22; a storage tray formed with the housing 22 (on the top surface and within the housing, with the latter defining a tray base wall and end walls); and a removable cover portion 24 pivotally connected by hinges 28 to the housing 22 (abstract; column 1, lines 66-67; column 2, lines 1-28; column 3, lines 11-26; column 4, lines 5-67; column 5, lines 1-22; and Figures 1-4).

9. Claims 2, 5-11, 13, 21-25, and 30-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Kensrue (US 2004/0200819).

Kensrue discloses a welding wire dispensing assembly that feeds welding wire to a welding gun, in which the welding wire dispensing assembly includes a housing (cabinet 12) defining forward, rearward, side, and base walls; a dividing wall (onto which a spool of welding wire is attached) extending between the forward and rearward housing walls; a wire advancing mechanism 16 (with associated wire feeder control mechanisms) connected to housing 12 for feeding wire from a spool (2,6) of welding electrode wire (Figure 1) having a wire spool support connected to the housing 12 to the welding gun through a wire guide tube 14 in the forward wall of housing 12; a storage tray formed with the housing 12 (on the top surface and within the housing, with the latter defining a tray base wall and end walls); and a removable cover portion pivotally connected by hinges (Figure 1) to the housing 12 for covering the wire advancing mechanism 16 (abstract; paragraphs [0043]-[0045]; and Figure 1).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1, 14-20, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Bellefleur (US 4,665,300), Lee (US 6,057,526), or Kensrue (US 2004/0200819) in view of Luo et al. (US 6,705,563).

Bellefleur, Lee, and Kensrue individually disclose the elements of independent claim 2 and dependent claim 13. Neither Bellefleur, Lee, nor Kensrue specifically discloses an elevated member extending from a wire spool support tray (base tray), and a spool retention member connected to the elevated member.

However, Luo et al. disclose an open shipyard wire feeder, in which the wire feeder 10 includes a wire spool support tray (base tray, or bottom panel 32) having brackets 110 pivotally mounted to removably connected pivot pins 114 (bolts); elevated members (spool supports 90 operable to hold a welding gun 224) that integrally cooperate to hold wire spool 100 to be rotatable around a spool axis 102 (central opening of a spool of welding wire to rotate freely); a router portion that includes a plurality of openings through which wire and cable pass; and a spool retention member (cooperating latch component 104, tapered nose 106, and locking groove 108) attached to the elevated members, such that the elevated member extending from the wire spool support tray (base tray) and the spool retention member connected to the elevated member are advantageous for rotatably retaining the wire spool relative to the frame, for allowing the spool to rotate about the spool axis, and for allowing easy access without weakening the frame (abstract; column 2, line 52 through column 5, line 49; column 6, line 28 through column 9, line 53; column 10, lines 25-57; and Figures 1-6, 9, and 10).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify any one of the wire feeders disclosed individually by Bellefleur, Lee, or Kensrue, by using that the elevated member extending from the wire spool support tray (base tray) and the spool retention member connected to the elevated member, as taught by Luo et al., in order to rotatably retain the wire spool relative to the frame, to allow the spool to rotate about the spool axis, and to allow easy access without weakening the frame (Luo et al.; abstract; column 2, lines 52-64; and column 3, lines 40-60).

12. Claims 1, 14, 16, 17, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Bellefleur (US 4,665,300), Lee (US 6,057,526), or Kensrue (US 2004/0200819) in view of Rousculp et al. (US 5,060,882).

Bellefleur, Lee, and Kensrue individually disclose the elements of independent claim 2 and dependent claim 13. Neither Bellefleur, Lee, nor Kensrue specifically discloses an elevated member extending from a wire spool support tray (base tray), and a spool retention member connected to the elevated member.

However, Rousculp et al. disclose a wire supply reel support device, in which the support device includes a wire spool support tray (base tray 66) having detents 74 extending through openings 78; elevated members (spool support posts 70) that integrally cooperate to hold wire reel B to be rotatable around a reel axis X (central opening of a reel of welding wire to rotate freely); and a spool retention member (cooperating annular end bearing grooves 102) attached to the elevated members, such

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that the elevated member extending from the wire spool support tray (base tray) and the spool retention member connected to the elevated member are advantageous for obtaining uniform rate of wire feeding, for preventing overrunning of the spindle on stoppage, and for accurate mounting of the spool on the bearing groove surfaces (abstract; column 2, line 5 through column 4, line 68; column 5, lines 1-10 and 38-68; column 6, line 1 through column 9, line 27; and Figures 1-4).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify any one of the wire feeders disclosed individually by Bellefleur, Lee, or Kensrue, by using that the elevated member extending from the wire spool support tray (base tray) and the spool retention member connected to the elevated member, as taught by Rousculp et al., in order to obtain uniform rate of wire feeding, to prevent overrunning of the spindle on stoppage, and to obtain accurate mounting of the spool on the bearing groove surfaces (Rousculp et al.; abstract; and column 3, lines 1-46).

13. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Bellefleur (US 4,665,300), Lee (US 6,057,526), or Kensrue (US 2004/0200819) in view of Grimm et al. (US 5,836,539).

Bellefleur, Lee, and Kensrue individually disclose the elements of independent claim 2. Neither Bellefleur, Lee, nor Kensrue specifically discloses a ball bearing inlet guide mechanism (through which wire is fed) mounted on the housing.

However, Grimm et al. disclose an inlet guide mechanism for a wire feeder, in which the inlet guide comprises a ball bearing inlet guide mechanism (race 200 holding spherical balls 210 adjacent ball bearing 220) through which wire W is fed, with the ball bearing inlet guide mechanism being advantageous for having long life (hardened stainless steel) and for preventing surface scuffing or damage to the incoming wire (abstract; column 1, lines 54-67; column 2, lines 1-67; column 3, lines 1-12 and 59-67; column 4, lines 1-67; column 5, lines 1-60; and Figures 4-8 and 11).

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to modify any one of the wire feeders disclosed individually by Bellefleur, Lee, or Kensrue, by using a ball bearing inlet guide mechanism, as taught by Grimm et al., in order to obtain long life of the ball bearing and to prevent surface scuffing or damage to the incoming wire (Grimm et al.; column 1, lines 54-67; and column 2, lines 1-10 and 50-55).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Kensrue, Stemwedel Jr., Goldblatt, Kensrue, and Crisler III et al. references are also cited in PTO-892.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Kevin P. Kerns whose telephone number is (571)

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272-1178. The examiner can normally be reached on Monday-Friday from 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin P. Kerns */Kevin Kerns 3/7/06*
Primary Examiner
Art Unit 1725

KPK
kpk
March 7, 2006